

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GLENDIA SUE GARDNER, Individually and  
As Personal Representative of The Estate  
of Jacob Gardner; and DAVID GARDNER,

Plaintiffs,

vs.

FREDERICK D. FRANKLIN, DONALD W.  
KLEINE, DOUGLAS COUNTY  
ATTORNEY'S OFFICE, Douglas County,  
Nebraska; and DOES 1 & 2,

Defendants.

**4:21CV3145**

**ORDER**

Plaintiffs move for additional time and for leave to use alternative means for serving process on Defendant Frederick D. Franklin. (Filing Nos. 17 and 18). The court is not convinced Plaintiffs have exhausted their efforts to serve this defendant by means that are authorized in Nebraska and likely to reach Mr. Franklin. There is nothing of record indicating Plaintiffs attempted to serve this defendant by certified mail, and the motion describes only one effort to serve him in person.

IT IS ORDERED that Plaintiffs' motions, (Filing Nos. 17 and 18), are granted in part and denied in part as follows:

- 1) Plaintiffs are given until January 21, 2022 to serve defendant Frederick D. Franklin.
- 2) Plaintiffs' request to serve Mr. Franklin by the alternative means of first class mail, newspaper publication, or appointment of a receiver is denied.

Dated this 16th day of December, 2021.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge